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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KENAI DRILLING LIMITED, a Delaware
Corporation, and KENAI DRILLING LIMITED
EMPLOYEE BENEFIT PLAN,

Plaintiffs

v.

SUN LIFE ASSURANCE COMPANY OF
CANADA, a Delaware corporation,

Defendant

Case No.: 2:24-cv-01559-CDS-EJY

**STIPULATION AND ORDER
REGARDING DEFENDANT'S
MOTION TO DISMISS [ECF NO.
44] AND PLAINTIFFS' MOTION
FOR LEAVE TO AMEND [ECF
NO. 48]**

[ECF No. 56]

Pursuant to Local Rule IA 6-1 and IA 6-2, Plaintiffs Kenai Drilling Limited and Kenai Drilling Limited Employee Benefit Plan ("Plaintiffs"), by and through their counsel of record, Marquis Aurbach, and Defendant Sun Life Assurance Company of Canada ("Sun Life"), by and through their counsel of record, Figari + Davenport, LLP and Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, hereby stipulate as follows:

1. Plaintiffs filed a Petition to Compel Defendant Sun Life to Arbitration in the Eighth Judicial District Court of Nevada, on July 24, 2024.

2. Sun Life filed a Petition for Removal of Action on August 23, 2024 [ECF No. 1].

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1 3. On September 16, 2024, Sun Life filed their Response to the Petition to Compel
2 Arbitration [ECF No. 13].

3 4. Plaintiffs filed their Reply in Support of the Petition on October 11, 2024, including
4 a request for leave to file an amended complaint against Sun Life [ECF No. 27].

5 5. On January 21, 2025, the Court issued an Order and Report and Recommendation
6 as to the Petition to Compel, and granted Plaintiffs' motion for leave to file an amended complaint
7 [ECF No. 33].

8 6. Plaintiffs filed an objection to the Court's Report and Recommendation on
9 February 4, 2025 [ECF No. 34] and filed their First Amended Complaint on April 22, 2025 [ECF
10 No. 37].

11 7. Pursuant to stipulation of the Parties, Defendant filed a Motion to Dismiss on June
12 20, 2025 [ECF No. 44]; and Plaintiffs filed an Opposition to the Motion to Dismiss on July 18,
13 2025 [ECF No. 52].

14 8. The Parties further agreed, via Stipulation filed on July 25, 2025, to extend
15 Defendant's deadline to file a Reply to the Motion to Dismiss until August 1, 2025 [ECF No. 55].

16 9. Further, on July 17, 2025, Plaintiffs filed a Motion for Leave to Amend Complaint
17 [ECF No. 48].

18 10. Defendant does not oppose Plaintiffs' Motion for Leave to Amend.

19 11. The Parties agree that Defendant's pending Motion to Dismiss is rendered moot by
20 Plaintiffs' Motion for Leave to Amend and proposed Second Amended Complaint.

21 12. As such, Defendant hereby withdraws its Motion to Dismiss, and the Parties agree
22 that Defendant's deadline to file a Reply to the Motion shall be vacated.

23 13. The Parties agree that Plaintiffs shall file the proposed Second Amended
24 Complaint.

25 14. The Parties further agree that Defendant shall file a response to the Second
26 Amended Complaint by **August 15, 2025**.

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15. This Stipulation is filed prior to the deadline for Defendant's Reply to the Motion to Dismiss and Defendant's Opposition to the Motion for Leave to Amend; is made in good faith; and is not sought for the purpose of unwarranted delay.

IT IS SO STIPULATED.

Dated this 30th day of July 2025.

MARQUIS AURBACH

/s/ Sydney A. Soder

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*Attorneys for Kenai Drilling Limited and
Kenai Drilling Limited Employee Benefit Plan*

Dated this 30th day of July 2025.

FIGARI + DAVENPORT, LLP

/s/ Lance V. Clack

Bill E. Davidoff, Esq. (*Pro Hac Vice*)

Lance V. Clack, Esq. (*Pro Hac Vice*)

**WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC**

Jeremy R. Alberts, Esq.

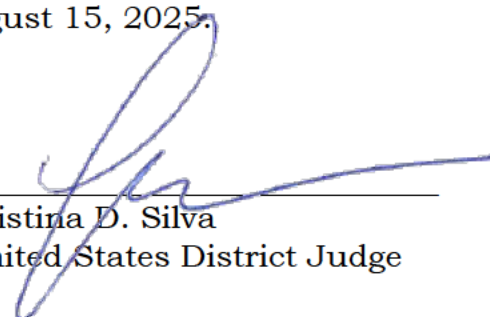
Nevada Bar No. 10497

Attorneys for Defendant

Order

Based on the parties' stipulation, the plaintiffs' motion to amend **[ECF No. 48] is granted** as unopposed; and the defendant's motion to dismiss **[ECF No. 44] is withdrawn**. The plaintiffs must file the second amended complaint. The defendant must file its response by August 15, 2025.

Dated: July 31, 2025


Cristina D. Silva
United States District Judge

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